UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

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|) N. 4.05 CW 1022 EDD |
|) No. 4:05-CV-1822-FRB |
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ORDER OF DISMISSAL

IT IS HEREBY ORDERED that petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**, without prejudice, for failure to exhaust available state remedies.

IT IS FURTHER ORDERED that petitioner is **DENIED** a certificate of appealability if he appeals this order of dismissal.

Dated this 1st day of November, 2005.

UNITED STATES DISTRICT JUDGE

Catherine D leng